

**FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 24, 2004**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Edmunson. Total -- 1.
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jeremiah Kats, Page.

Approval of Journal

February 24, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

February 19, 2004

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 510

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

February 23, 2004

Mr. Speaker:

I transmit herewith **SJM 108**, **S 1247**, and **S 1264** which have passed the Senate.

WOOD, Secretary

SJM 108, **S 1247**, and **S 1264** were filed for first reading.

Report of Standing Committees

February 24, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 49**, **H 747**, **H 748**, **H 749**, **H 750**, **H 751**, **H 752**, and **H 753**.

FIELD(18), Chairman

HCR 49 and **H 748** were referred to the Health and Welfare Committee.

H 747 and **H 753** were referred to the Revenue and Taxation Committee.

H 749 and **H 750** were referred to the Education Committee.

H 751 was referred to the Judiciary, Rules, and Administration Committee.

H 752 was referred to the Transportation and Defense Committee.

February 23, 2004

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 592**, **H 593**, and **H 633** and recommend that they do pass.

STEVENSON, Chairman

H 592, **H 593**, and **H 633** were filed for second reading.

February 23, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 667**, **H 727**, **S 1207**, **S 1208**, and **S 1209** and recommend that they do pass.

FIELD(18), Chairman

H 667, **H 727**, **S 1207**, **S 1208**, and **S 1209** were filed for second reading.

February 23, 2004

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **S 1226** and recommend that it do pass.

SCHAEFER, Chairman

S 1226 was filed for second reading.

February 23, 2004

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **H 726** and report it back with amendments attached to be placed on General Orders for consideration.

SCHAEFER, Chairman

H 726 was placed on General Orders for consideration.

February 23, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 527**, **H 528**, and **H 529** and recommend that they do pass.

BLACK, Chairman

H 527, **H 528**, and **H 529** were filed for second reading.

February 24, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 647** and recommend that it do pass.

DEAL, Chairman

H 647 was filed for second reading.

February 24, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 724** and recommend that it do pass.

CROW, Chairman

H 724 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 50

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE GUARDIANSHIP AND CONSERVATORSHIP SYSTEM IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, today there are approximately 150,000 Idahoans who are age 65 or older, and by the year 2020, it is anticipated that there will be nearly 240,000 Idahoans over the age of 65 who will face issues related to elder care; and

WHEREAS, guardianship and conservatorship arrangements are important for Idaho families facing the potential incapacity of a family member;

WHEREAS, a number of states have expressed great interest in the guardianship and conservatorship process, frequently following allegations of inappropriate activity on the part of fiduciaries appointed to represent incapacitated persons; and

WHEREAS, little data exists regarding the effectiveness of guardianships or conservatorships within Idaho or in other states, and less information is available about how the system actually affects the individuals involved; and

WHEREAS, model educational curricula for guardians and

conservators and improved monitoring of current inventory and accounting practices should be developed at the state level; and

WHEREAS, research should be undertaken to review current elder care laws and to examine how the guardianship and conservatorship process is enhancing the well-being of persons with diminished capacity.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the guardianship and conservatorship system in Idaho, taking into account recent efforts undertaken by the federal government and other states. The Legislative Council shall appoint up to eight legislators, four from the Senate and four from the House of Representatives, and shall authorize the committee to receive input, advice and assistance from interested and affected parties.

BE IT FURTHER RESOLVED, that the committee shall include additional members to be appointed by the cochairs of the committee who are appointed by the Legislative Council. Such nonlegislative members may include, but are not limited to, the following: one member of the staff of Idaho's congressional delegation, one representative of the Office of the Governor, one representative of the Office of the Attorney General, one representative of the Department of Finance, two representatives of the Idaho judiciary, one representative of the Taxation, Probate and Trust Law Section of the Idaho State Bar, one representative of the Idaho Commission on Aging, one representative of AARP and one administrator of a county guardianship monitoring program.

BE IT FURTHER RESOLVED that nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-eighth Idaho Legislature, to the Office of the Governor, and to the Idaho Supreme Court.

HCR 50 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SJM 108, by Education Committee, was introduced, read the first time by title, and referred to the Education Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 754

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO ECONOMIC ESTIMATES; AMENDING SECTION 67-6803, IDAHO CODE, TO REVISE LEGISLATIVE EXPENDITURE LIMITS BY PROVIDING THAT GENERAL FUND EXPENDITURES FOR ANY FISCAL YEAR SHALL NOT EXCEED THE TOTAL

GENERAL FUND EXPENDITURES AUTHORIZED FOR FISCAL YEAR 2005 AS ANNUALLY ADJUSTED FOR POPULATION GROWTH AND INFLATION; AND AMENDING CHAPTER 68, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6804, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO CREATE THE TAXPAYERS RESERVE FUND, TO PROVIDE FOR TRANSFER OF MONEYS TO THE FUND AND TO PROVIDE FOR REFUNDS TO TAXPAYERS ACCORDING TO CRITERIA SPECIFIED, UNLESS THE LEGISLATURE HAS DIRECTED THE FUNDS TO BE REFUNDED ACCORDING TO DIFFERENT CRITERIA.

HOUSE BILL NO. 755
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO STATE LANDS; AMENDING SECTION 47-711, IDAHO CODE, AS AMENDED BY SECTION 2, HOUSE BILL 510, ENACTED BY THE SECOND REGULAR SESSION OF THE FIFTY-SEVENTH IDAHO LEGISLATURE, TO PERMIT THE SALE OF MINERAL INTERESTS RESERVED BY THE STATE TO THE OWNER OF THE SURFACE ESTATE.

HOUSE BILL NO. 756
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4103, IDAHO CODE, TO EXPAND THE SCOPE OF THE CHAPTER TO INCLUDE CHAPTER 50, TITLE 54, IDAHO CODE; AMENDING SECTION 39-4104, IDAHO CODE, TO PROVIDE THAT LOCAL GOVERNMENTS THAT ADOPT BUILDING CODES SHALL ENFORCE ALL OF THE PROVISIONS OF THIS CHAPTER THAT GOVERN APPLICATION BY LOCAL GOVERNMENTS; AMENDING SECTION 39-4109, IDAHO CODE, TO PROVIDE AN EFFECTIVE DATE FOR APPLICATION OF CODES, TO UPDATE THE APPLICABLE EDITION OF SPECIFIED CODES AND TO CLARIFY INCLUSIONS AND EXCLUSIONS FROM THE SPECIFIC CODES; AMENDING SECTION 39-4116, IDAHO CODE, TO RESPECIFY THE DATE BY WHICH PARTICIPATING LOCAL GOVERNMENTS SHALL BY ORDINANCE ADOPT CODES AS SPECIFIED, TO DELETE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-5001, IDAHO CODE, TO SPECIFY APPLICABLE CODES AND EDITIONS OF THE CODES, TO DELETE OBSOLETE LANGUAGE AND TO PROVIDE THAT CERTAIN LOCAL GOVERNMENTS SHALL BY ORDINANCE ADOPT AND ENFORCE THE CODES AS PRESCRIBED; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 757
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO HEALTH CARE INSURANCE; AMENDING CHAPTER 6, TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 48-650, IDAHO

CODE, TO REQUIRE A NOTICE BY HEALTH CARE PROVIDERS, TO SPECIFY CONTENT OF THE NOTICE, TO PROVIDE EXCEPTIONS AND TO DEFINE TERMS; AND AMENDING CHAPTER 1, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-121, IDAHO CODE, TO REQUIRE MAINTENANCE OF AN INTERNET SITE AND/OR TOLL-FREE TELEPHONE NUMBER BY INSURANCE PROVIDERS WITH CURRENT HEALTH CARE PROVIDER INFORMATION.

HOUSE BILL NO. 758
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO HOMEOWNER'S ASSOCIATIONS; AMENDING TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 55, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS TO QUALIFY, TO PROVIDE CONTENTS OF DECLARATION, TO PROVIDE ADMINISTRATION THROUGH BYLAWS AND ARTICLES OF INCORPORATION, TO PROVIDE CONTENTS OF BYLAWS, TO PROVIDE FOR RECORDATION OF INSTRUMENTS AFFECTING PROPERTY, TO PROVIDE FOR REMOVAL OF PROPERTY FROM THE LAW, TO PROVIDE FOR ACTIONS RELATING TO COMMON AREAS AND PERSONS DESIGNATED TO RECEIVE PROCESS, TO PROVIDE FOR ACTIONS BY MANAGEMENT ON BEHALF OF TWO OR MORE OWNERS, TO PROVIDE FOR SEPARATE TAXATION, LIENS AND TAX DEEDS, TO PROVIDE FOR OWNERS BEING PROPORTIONATELY LIABLE FOR COMMON AREAS, TO PROVIDE FOR LIABILITY OF HOMEOWNERS, TENANTS AND EMPLOYEES, TO PROVIDE LIENS FOR ASSESSMENTS AND OTHER CHARGES, TO PROVIDE LIENS FOR LABOR, SERVICES OR MATERIALS AND TO PROVIDE THAT THE "BLUE SKY LAW" IS INAPPLICABLE.

HOUSE BILL NO. 759
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CREATION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS DISTRICTS, TO PROVIDE FOR ORGANIZATION OF A DISTRICT, TO PROVIDE POWERS OF A DISTRICT, TO PROVIDE FOR A CHANGE IN DISTRICT BOUNDARIES OR THE GENERAL PLAN, TO PROVIDE FOR FINANCES, TO PROVIDE FOR GENERAL OBLIGATION BONDS AND TAX LEVIES, TO PROVIDE FOR REVENUE BONDS AND FEES AND CHARGES, TO PROVIDE TERMS OF THE BONDS, TO PROVIDE FOR TAXES, TO PROVIDE FOR NOTICE AND CONDUCT OF ELECTIONS, TO PROVIDE FOR FINANCIAL STATEMENTS AND ESTIMATES, BUDGETS AND CERTIFICATION OF LEVIES, TO PROVIDE FOR DISSOLUTION OF A DISTRICT, TO PROVIDE FOR

EXEMPTIONS AND EXCLUSIONS, TO PROVIDE FOR LIMITATION OF LIABILITY, TO PROVIDE FOR APPEAL, EXCLUSIVE REMEDY AND CONCLUSIVENESS, TO PROVIDE FOR SUBDISTRICTS, TO PROVIDE FOR CONSISTENCY WITH STATE LAW, TO PROVIDE LIBERAL INTERPRETATION AND TO PROVIDE SEVERABILITY.

H 754, H 755, H 756, H 757, H 758, and H 759 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1247, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1264, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 48, by Ways and Means Committee, was read the second time by title and filed for third reading.

H 697, H 694, H 659, as amended, and **H 552**, as amended, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 711, H 712, and H 625, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 516, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

H 544, as amended, and **H 676**, as amended, by Environmental Affairs Committee, were read the second time by title and filed for third reading.

H 604, as amended, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

H 631, as amended, by Education Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

S 1253 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **S 1253** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Lake, Langford, McGeachin, McKague, Meyer, Miller, Nielsen, Ridinger, Ring, Rydalch, Schaefer, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 44.

NAYS -- Andersen, Barrett, Bayer, Boe, Cuddy, Douglas, Eberle, Henbest, Jaquet, Kulczyk, Langhorst, Martinez, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ringo, Robison, Sayler, Shepherd, Smith(30), Trail. Total -- 23.

Absent and excused -- Edmunson, Roberts, Sali. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1253** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 508, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 508**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Bauer, Langford, McKague, Schaefer, Wood. Total -- 6.

Absent and excused -- Edmunson, Roberts, Sali. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 508**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 512, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall **H 512**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas,

Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Edmunson, Mitchell, Smith(24). Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 512**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 499, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 499**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Cuddy, Edmunson, Ringo, Smith(24). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 499**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 587, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 587**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner,

Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Deal, Edmunson, Ringo, Smith(24). Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 587**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 558, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Smith(30) to open debate.

The question being, "Shall **H 558**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Deal, Edmunson, Ringo. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 558**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 590, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 590**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts,

Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 53.

NAYS -- Bayer, Boe, Clark, Douglas, Eberle, Henbest, Jaquet, Kellogg, Langhorst, Martinez, Mitchell, Naccarato, Ringo, Robison, Sayler, Smith(24). Total -- 16.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 590**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 482, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Denney to open debate.

The question being, "Shall **H 482**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 482**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 579, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Garrett to open debate.

The question being, "Shall **H 579**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley,

Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 579**, as amended, passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 718 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **H 718** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Kulczyk, McGeachin, McKague. Total -- 3.

Absent and excused -- Edmunson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 718** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that the House recess until 1:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., Mr. Denney in the Chair.

Roll call showed 67 members present.

Absent and excused -- Andersen, Eberle, Trail. Total -- 3.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 721 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Robison to open debate.

The question being, "Shall **H 721** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills. Total -- 61.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Andersen, Crow, Eberle, Henbest, Ridinger, Trail, Wood, Mr. Speaker. Total -- 8.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 721** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 722 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **H 722** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Wood. Total -- 61.

NAYS -- Kulczyk, Langford. Total -- 2.

Absent and excused -- Andersen, Crow, Eberle, Harwood, Smith(24), Trail, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 722** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 723 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

The question being, "Shall **H 723** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Andersen, Crow, Eberle, Harwood, Roberts, Trail, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 723** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 683 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 683** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Andersen, Crow, Eberle, Harwood, Roberts, Trail, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 683** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 677 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bolz to open debate.

The question being, "Shall **H 677** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood. Total -- 65.

NAYS -- None.

Absent and excused -- Andersen, Eberle, Edmunson, Trail, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 677** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **HCR 40** and **H 655** retain their places on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

H 654 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 654** pass?"

Roll call resulted as follows:

AYES -- Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Cuddy, Deal, Douglas, Edmunson, Eskridge, Field(18), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass. Total -- 38.

NAYS -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Bradford, Collins, Crow, Denney, Ellsworth, Field(23), Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Nielsen, Roberts, Robison, Rydalch, Sali, Schaefer, Stevenson, Wills, Wood, Mr. Speaker. Total -- 29.

Absent and excused -- Andersen, Eberle, Trail. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 654** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Wednesday, February 25, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:51 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk